



CITY OF HOUSTON
FINANCE DEPARTMENT
Strategic Procurement Division

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September 15, 2015

Subject: Letter of Clarification No. 5
AUTOMOTIVE, CUMMINS REPLACEMENT PARTS AND REPAIR SERVICES
FOR THE FLEET MANAGEMENT DEPARTMENT

Reference: Invitation to Bid (ITB) No.: S40-S25517

To All Prospective Bidders:

This Letter of Clarification is issued for the following reason:

- To answer the following questions:

1. Question: *"In Section B, Article 3.0 Liquidated Damages, can this language be revised?"*

Answer: *"Yes. Section B, Article 3.0 is deleted in its entirety and replaced as follows:*

3.0 LIQUIDATED DAMAGES AND RESPONSE TIME:

3.1 The parties acknowledge that suppliers failure to perform warranty repairs within five (5) working days of delivery of the vehicle by the City of Houston will cause damages to the City and that actual damages from such harm are difficult to estimate accurately. Therefore the supplier agrees that supplier shall be liable for and shall pay to the City the sum of \$25.00 per day for failure to complete warranty repairs within five working days as liquidated damages and not as a penalty. The charge will be deducted from future billing due to the supplier.

3.2 Response time for non-warranty work: The parties acknowledge that time is of the essence in repair of City of Houston vehicles. Supplier agrees to respond to requests for service within twenty-four (24) hours for City of Houston's request for service and will provide a repair estimate, including estimated time to complete repairs, within three (3) working days of delivery of the vehicle by City of Houston to supplier.

2. Question: *"In Section C, Article 4.0 Inter-Local Agreements, can this language be deleted?"*

Answer: *"Section C, Article 4.0 is deleted in its entirety."*

Council Members: Brenda Stardig Jerry Davis Ellen R. Cohen Dwight A. Boykins Dave Martin Richard Nguyen Oliver Pennington Edward Gonzalez
Robert Gallegos Mike Laster Larry V. Green Stephen C. Costello David W. Robinson Michael Kubosh C.O. "Brad" Bradford Jack Christie
Controller: Ronald C. Green

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Management Department

3. Question: *"In Section C, Article 5.0 Price Lists, how does a supplier proceed when we do not have published price lists or internet based catalogs?"*

Answer: *"The City will change the solicitation to a line item bid. The e-bid document will be updated with the change. Please reference Letter of Clarification 4 for the updated ITB language for a line item solicitation."*

4. Question: *"In Section C, Articles 24.0 Warranty, 25.0 Release, 26.1 Indemnification, 26.2 Indemnification, 28.4 Insurance, 36.2.2 Termination of Award and 37.0 Patents, can the language in these articles be amended?"*

Answer: *"No."*

5. Question: *"In Section C, Article 28.5 Insurance, may suppliers provide the Certificate of Insurance electronically?"*

Answer: *"Yes."*

- Due to the aforementioned change(s) to the e-bidding items you may need to edit your bid. To do so, please select the "Bid Number" and proceed accordingly.

This Letter of Clarification will be considered part of the solicitation referenced on the first page of this document. All revisions, responses, and answers incorporated into the Letter(s) of Clarification are collaboratively from both the Strategic Procurement Division and the applicable City Department(s).

Furthermore, it is the responsibility of each BIDDER to obtain any previous Letter(s) of Clarification associated with this solicitation.



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